APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,941	03/09/2004	John C.W. Ngan	2558	4474

			EXAMINER
28005	7590	02/23/2006	ZEWARI, SAYED T

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ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/796,941	NGAN, JOHN C.W.
	Examiner	Art Unit	
	Sayed T. Zewari	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/3/06*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to applicant's amendment filed on January 3, 2006.

Claims 1-10 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Knauerhase et al (US 6,941,146) in view of Girard et al (US

2002/0,132,635).

With respect to claim 1, Knauerhase discloses a wireless telephone with

selectable transmission modes for a call from said wireless telephone to a remotely

located receiver **(see Abstract line 1-4, col. 2, lines 9-22 and col. 3, lines 19-43, and**

col. 7 lines 25-26, where Knauerhase indicates presence of multiple transceivers,

thus multiple modes, and the selectability of the modes). Knauerhase discloses

said selectable transmission modes comprising a first wireless communication mode

and a second wireless communication mode **(See col. 3 Lines 19-42, where**

Knauerhase is discussing two transceivers and two protocols thus two modes

which are selectable). Knauerhase discloses said telephone **(figure 1(110))**

comprising: a user interface for user input of a dialing string for initiation of said call

(See col. 2 lines 9-56, where Knauerhase discusses a mobile phone that performs

connectivity and shows a dial pad). Knauerhase discloses a first transceiver for

communication in accordance with said first communication mode; a second transceiver

for communication in accordance with said second communication mode **(col. 3 lines**

19-43). Knauerhase discloses a memory storing software comprising a set of instruction

for responsively selecting said first transceiver or said second transceiver for said call

depending on connectivity options available to the phone **(See col. 2 lines 11-22,**

where Knauerhase discloses the cell phone having memory, col. 3 lines 19-65,

where Knauerhase discloses multiple transceivers and the method by which the

software stored in the memory of the cell phone selects a transceiver, figure 7,

col. 5 lines 34-39, where Knauerhase discloses the software stored in the memory

of the cell phone make operational decision, col. 6 line 10-30). Knauerhase

discloses software that selects a first transceiver or a second transceiver for the mode

of communication, however does not specifically disclose selecting said first transceiver

or said second transceiver for said call depending on the contents of said dialing string.

But Girard teaches selecting said first transceiver or said second transceiver for said

call depending on the contents of said dialing string **(See section [0010], [0018]).** It

would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to modify the invention of Knauerhase and have said first transceiver or said

second transceiver for said call depending on the contents of said dialing string, as

thought by Girard, thus making the device easier to use, as discussed by **Girard
([0005])**.

With respect to claim 6, Knauerhase discloses a method of selecting a
transmission mode for a call between said wireless telephone and a remotely located
receiver **(see Abstract line 1-4, col. 2, lines 9-22 and col. 3, lines 19-43, and col. 7
lines 25-26, where Knauerhase indicates presence of multiple transceivers, thus
multiple modes, and the selectability of the modes)**. Knauerhase discloses said
wireless telephone having a first transceiver for communication in accordance with a
first communication mode and a second transceiver for communication in accordance
with a second communication mode **(See col. 3 Lines 19-42, where Knauerhase is
discussing two transceivers and two protocols thus two modes)**. Knauerhase
discloses the said first a cellular telephony mode and said second communication mode
being a local, free, non-cellular wireless communication mode **(See col. 1 lines 14-44,
col. 3 lines 44-64, col. 5 lines 10-20, where Knauerhase discusses cost of service
and hot spots known to be free)**. Knauerhase inherently discloses receiving a dialing
string from a user of the telephone for initiation of said call **(See col. 2 lines 1-22,
where Knauerhase discusses a cellular phone and connectivity)**. Knauerhase
discloses establishing a communications session in accordance with said second
communication mode between said wireless telephone and said receiver **(See col.2
lines 9-22)**. Knauerhase discloses software that selects a first transceiver or a second
transceiver for the mode of communication, however does not specifically discloses
detecting attributes of said dialing string indicating that the user intends the call to be

sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode. But Girard teaches detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode **(See section [0010], [0018])**. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Knauerhase, and detect attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode, as thought by Girard, thus making the device easier to use, as discussed by **Girard ([0005])**.

With respect to claim 2 and 7, Knauerhase discloses a remote transceiver device comprising of many different transceivers including Bluetooth family transceivers, therefore Knauerhase inherently discloses said remotely located receiver comprises a Bluetooth enabled device and wherein said second transceiver comprises a Bluetooth transceiver **(See figure 3, col.3 lines 25-43, where Knauerhase discusses the first transceiver can be Bluetooth, therefore the remote second device can be Bluetooth as well)**.

With respect to claim 3 and 8, Knauerhase discloses an apparatus wherein said first transceiver comprises a transceiver compliant with an IEEE 802.11 standard **(See**

figure 3(304), col.3 lines 25-43, where Knauerhase discusses the first transceiver

can be Bluetooth or IEEE 802.11, therefore the remote second device can be

Bluetooth or IEEE 802.11 standard).

With respect to claim 5, Knauerhase modified by Girard discloses that his mobile

device contains memory which is used to store the alias records. This alias record

includes an alphanumeric field, and a first calling number corresponding with a first

mode of communication and a second number corresponding with the second mode of

communication **(See Girard [0012], figure 2).**

With respect to claim 10, Girard discloses that his mobile device contains

memory which is used to store the alias records. This alias record includes an

alphanumeric field, and a first calling number corresponding with a first mode of

communication and a second number corresponding with the second mode of

communication **(See Girard [0012], figure 2).**

Claim 4 & 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Knauerhase in view of Girard as applied to claims 1 and 6 above, and further in view of

Malackowski et al.(6,411,803)

With respect to claim 4 & 9, Knauerhase and Girard do not specifically disclose

said dialing string comprises a sequence of alphanumeric characters, and either # or *

preceding or following said alphanumeric characters. But Malackowski teaches said

dialing string comprises a sequence of alphanumeric characters, and either # or *

preceding or following said alphanumeric characters **(See col. 14 lines 40-45).** It would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the invention of Knauerhase and Girard, and have said dialing string

comprises a sequence of alphanumeric characters, and either # or * preceding or

following said alphanumeric characters, as discussed by Malackowski, thereby using a

standard method of indicating of desired access to a special system, as discussed by

Malackowski **(col.1 lines 10-30).**

Response to Amendment

Applicant's arguments filed on 1/3/2006 have been fully considered but they are

not persuasive.

Applicant argues against a rejection that was previously applied in the earlier

office action rejection. The arguments are not convincing and the examiner can

maintain the previous rejection. The applicant argues, ***"The user indicates which***

transceiver they wish to use (e.g., Bluetooth or CDMA) depending on a dialing

string they enter." Girard et al. also discloses how the user indicates which transceiver

they wish to use depending on a dialing string they enter **(See Girard section [0010],**

where Girard discusses eliminating the need for a mode button and providing the

device with decision making ability to determine what mode should be used

based on the format of the calling number. Also see section [0018], where Girard

discusses entering a string or a number. In this case the mobile station presents

the user with a soft menu of air interfaces to select from. But to those skilled in

the art, it would be obvious that this step could very well be avoided or any other

action can easily be performed based on the string alone. Therefore, whether

there is an extra step or not does not matter because it is already evident that the

act of selection by use of a character is already invented and is not a novel idea
anymore).

Applicant argues that *"the wireless telephone includes a memory storing*
software comprising a set of instructions for responsively selecting said first
transceiver or said second transceiver for said call depending on the contents of
said dialing string." Knauerhase et al. and Malackowski el al. disclose the above
limitations. Knauerhase discloses a memory storing software comprising a set of
instruction for responsively selecting said first transceiver or said second transceiver for
said call depending on connectivity options available to the phone **(See col. 2 lines 11-**
22, where Knauerhase discloses the cell phone having memory, col. 3 lines 19-65,
where Knauerhase discloses multiple transceivers and the method by which the
software stored in the memory of the cell phone selects a transceiver, figure 7,
col. 5 lines 34-39, where Knauerhase discloses the software stored in the memory
of the cell phone make operational decision, col. 6 line 10-30). And Malackowski
discloses a method of selection based on character **(See col.14 lines 41-44, where**
this method can be applied to select a service or a particular transceiver from
amongst different transceivers).

Applicant argues, *"The reference does not specify how the transceiver is*
selected" and *"it does not indicate that a dialing string is used to select the*
transceiver." Knauerhase et al. and Malackowski el al. disclose the above limitations.

Knauerhase discloses a memory storing software comprising a set of instruction
for responsively selecting said first transceiver or said second transceiver for said call

depending on connectivity options available to the phone **(See col. 2 lines 11-22,**

where Knauerhase discloses the cell phone having memory, col. 3 lines 19-65,

where Knauerhase discloses multiple transceivers and the method by which the

software stored in the memory of the cell phone selects a transceiver, figure 7,

col. 5 lines 34-39, where Knauerhase discloses the software stored in the memory

of the cell phone make operational decision, col. 6 line 10-30). And Malackowski

discloses a method of selection based on character **(See col.14 lines 41-44, where**

this method can be applied to select a service or a particular transceiver from

amongst different transceivers). And Malackowski discloses a method of selection

based on character **(See col.14 lines 41-44, where this method can be applied to**

select a service or a particular transceiver from amongst different transceivers).

Applicant argues, *"but the selection of the transmission mode is not*

achieved through the use of a dialing string as claimed. Rather it is via pressing

of hard keys (buttons) on the phone, not by means of a dialing string." Girard et

al. discloses that the communication mode in a mobile station is selected by selecting

an alias record from the memory or entering or a string **(See Girard section [0013],**

figure 3(304, where it indicated selecting alias or a number)).

Applicant argues, *"The entry of the alias (dialing string) is a separate act*

from selection of the transmission mode". Girard discloses this limitation **(See**

Girard section [0010], where Girard discusses eliminating the need for a mode

button and providing the device with decision making ability to determine what

mode should be used based on the format of the calling number. Also see section

[0018], where Girard discusses entering a string or a number. In this case the mobile station presents the user with a soft menu of air interfaces to select from. But to those skilled in the art, it would be obvious that this step could very well be avoided or any other action can easily be performed based on the string alone. Therefore, whether there is an extra step or not does not matter because it is already evident that the act of selection by use of a character is already invented and is not a novel idea anymore).

Applicant argues, "*Knauerhase et al. is silent on the user of dialing strings as a method by which a user operating a wireless telephone can select a particular transceiver. Girard et al. does not teach or suggest that one should use a dialing string to select a transceiver. Rather, Girard makes the user go to the extra step of pressing the send button 110, PPT button 108 or one of the soft keys 104 or 106 to activate a particular transmission mode.*" The above combinations of Knauerhase et al. and Girard et al. disclose the limitation for the above arguments (See Girard section [0010], where Girard discusses eliminating the need for a mode button and providing the device with decision making ability to determine what mode should be used based on the format of the calling number. Also see section [0018], where Girard discusses entering a string or a number. In this case the mobile station presents the user with a soft menu of air interfaces to select from. But to those skilled in the art, it would be obvious that this step could very well be avoided or any other action can easily be performed based on the string alone. Therefore, whether there is an extra step or not does not matter because it is

already evident that the act of selection by use of a character is already invented

and is not a novel idea anymore).

Applicant argues, "Malackowski et al.'s wireless device uses conventional cellular telephone to communicate with a wireless network", and "The user of the Malackowski et al. system does not make a selection of which transceiver mode to use by means of a dialing string". These two limitations are discloses by Knauerhase and Girard. Applicant further argues, "The access codes of Malackowski et al.(e.g. #500) are used to identify a particular advertiser". Malackowski et al. discloses the limitations of dialing using a string. This reference is intended to show that dialing a number with a character in front of the number, in order to perform a task, is already invented and is not a novel idea.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-

6851. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

February 13 2006

NICK CORSARO
PRIMARY EXAMINER